

HON. RICHARD A. JONES

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION**

MANDZELA ZHOCELIN-PATRICK a/k/a
MANDZELA ZHOSELIN-PATRICK,

an Individual,

Plaintiff,

v.

RITZIO PURCHASE LIMITED,

a Cyprus company,

Defendant.

Case No.:
2:17-cv-00002-RAJ

**SHAYEFAR DECLARATION
IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
MOTION TO SET ASIDE CLERK'S
ENTRY OF DEFAULT**

I, Matthew Shayefar, declare and state as follows:

1. My name is Matthew Shayefar. I am over the age of 18 years. I am an attorney licensed in the Commonwealth of Massachusetts, the State of California and the State of Florida. I am *pro hac vice* counsel of record to Plaintiff in the above captioned action. I am familiar with the facts herein and make this declaration from my own personal knowledge.

1 2. In the UDRP proceeding that that preceded this action (and in numerous other
2 UDRP proceedings in which I have been involved), Defendant Ritzio Purchase Limited as been
3 represented by Sandra Santos of Mapa Trademarks SL, who uses the email address
4 info@mapasl.com. Ms. Santos was listed as the authorized representative of Defendant in the
5 UDRP proceeding. *See, e.g.*, Docket No. 1-2, p. 5.

6 3. On January 2, 2017, pursuant to 15 U.S.C. Section 1114(2)(D)(v), I emailed Ms.
7 Santos at info@mapasl.com to inform her that Plaintiff intended to file suit against Ritzio.
8 Attached hereto as Exhibit 1 is a true and correct copy of that email I sent Ms. Santos.

9 4. After the Complaint in this matter was filed in January 3, 2017, on the same day I
10 emailed the registrar of the disputed domain names to inform it of the pendency of the lawsuit
11 and of its obligation pursuant to Paragraph 4(k) of the UDRP that it may not implement the
12 decision of the UDRP administrative panel. Attached hereto as Exhibit 2 is a true and correct
13 copy of that email I sent to Enom's UDRP compliance department and legal department.

14 5. On January 5, 2017, Enom's UDRP compliance department emailed me and Ms.
15 Santos (among others) to indicate that it received notification of the pending lawsuit and that the
16 domain names would not be transferred until the matter is resolved. Attached hereto as Exhibit 3
17 is a true and correct copy of the email that I received from Enom and which was also addressed
18 to Ms. Santos.

19 6. Shortly after filing the Complaint in this matter and after Defendant had already
20 been notified that the lawsuit was pending, I began the process of attempting to serve process on
21 Defendant, which is incorporated in the Republic of Cyprus, in accordance with the Hague
22 convention.
23

1 7. This process included finding an international process server (Process Service
2 Network LLC) and having the Complaint and Summons translated into Greek.

3 8. There were some difficulties in this process given that the Complaint and
4 supporting documents numbered nearly 800 pages.

5 9. I instructed the process server to serve Defendant with, *inter alia*, the English
6 version of the summons issued in this matter and a certified translation of the summons into
7 Greek. A true and correct copy of the translated summons and the certificate of accuracy for the
8 translation is attached hereto as Exhibit 4.

9
10 I declare under the penalty of perjury that the foregoing facts are true and correct.

11
12 Dated: October 23, 2017

/s/ Matthew Shayefar
Matthew Shayefar, Esq.

Exhibit 1

Notice Pursuant to 15 U.S.C. Section 1114(2)(D)(v)

Matthew Shayefar <matt@bostonlawgroup.com>
To: "info@mapasl.com" <info@mapasl.com>
Cc: Val Gurvits <vgurvits@bostonlawgroup.com>

Mon, Jan 2, 2017 at 12:14 PM

Dear Counsel,

I represent Mr. Mandzela Zhoselin-Patrick.

Pursuant to Title 15 of the United States Code, Section 1114(2)(D)(v), Mr. Zhoselin-Patrick hereby provides notice of his intent to file a civil action to establish that the registration and/or use of the below listed domain names are not unlawful. The court may grant injunctive relief to Mr. Zhoselin-Patrick, including the reactivation of the domain names or transfer of the domain names to Mr. Zhoselin-Patrick or order that the domain names stay with Mr. Zhoselin-Patrick.

The domain names are as follows:

wulkancasino.com

volcan24.com

vulcan-online-club.com

volcanozal.com

online-volcano.com

vulcan-club-online.com

I would appreciate confirmation that you've received this notice.

Very truly yours,

Matthew Shayefar

Boston Law Group, PC

825 Beacon Street, Suite 20 | Newton Centre, MA 02459

Direct: (617) 928-1806 | Tel: (617) 928-1800 | Fax: (617) 928-1802

matt@bostonlawgroup.com

In compliance with IRS regulations, we advise you that any discussion of Federal tax issues is not intended or written to be used, and may not be used, by you to avoid any penalties imposed under the Internal Revenue Code or to promote, market or recommend to another party any transaction or matter addressed.

Exhibit 2

(HY) D2016-1981 <online-volcano.com> et al. Notification of Decision

Matthew Shayefar <matt@bostonlawgroup.com>

Tue, Jan 3, 2017 at 2:47 PM

To: UDRP Compliance <udrp@enom.com>, Val Gurvits <vgurvits@bostonlawgroup.com>

Cc: "legal@enom.com" <legal@enom.com>

Dear Enom,

In accordance with Paragraph 4(k) of the UDRP, Respondent has commenced a lawsuit today, December 3, 2017, against the Complainant in the United States District Court for the Western District of Washington (Seattle), Civil Docket No. 2:17-cv-00002.

I have attached hereto a copy of the Complaint as filed with the Court, excluding the exhibits, which are voluminous. If you would like copies of the Exhibits, please let me know and I will provide them as soon as possible.

In accordance with Paragraph 4(k) of the UDRP, the registrar may not implement the Administrative Panel's decision and may not take any further action until it receives (i) evidence that there has been a resolution between the parties, (ii) evidence that the lawsuit has been dismissed or withdrawn, or (iii) a copy of an order from such court dismissing the lawsuit or ordering that Respondent does not have the right to continue to use the domain names.

I request that Enom confirm receipt of this email and the attached complaint commencing the lawsuit and provide written confirmation that it will not implement the Administrative Panel's decision.

Very truly yours,

Matthew Shayefar

Boston Law Group, PC
825 Beacon Street, Suite 20 | Newton Centre, MA 02459
Direct: (617) 928-1806 | Tel: (617) 928-1800 | Fax: (617) 928-1802
matt@bostonlawgroup.com

The contents of this message and any attachments are confidential and intended only for the addressee(s). This message may also be subject to attorney-client privilege. If you received this message in error, please notify Boston Law Group, PC immediately and destroy the original message. Boston Law Group, PC | Tel: (617) 928-1800 | E-mail: info@bostonlawgroup.com

In compliance with IRS regulations, we advise you that any discussion of Federal tax issues is not intended or written to be used, and may not be used, by you to avoid any penalties imposed under the Internal Revenue Code or to promote, market or recommend to another party any transaction or matter addressed.

From: UDRP Compliance [mailto:udrp@enom.com]

Sent: Tuesday, December 20, 2016 10:24 AM

To: Domain.Disputes@wipo.int; info@mapasl.com; Matthew Shayefar <matt@bostonlawgroup.com>; Val Gurvits <vgurvits@bostonlawgroup.com>

Cc: legal@enom.com; richard@namecheap.com; Legal@namecheap.com; udrp@namecheap.com

Subject: RE: (HY) D2016-1981 <online-volcano.com> et al. Notification of Decision

[Quoted text hidden]



001 - Complaint.pdf
149K

Exhibit 3

(HY) D2016-1981 <online-volcano.com> et al. Notification of Decision

UDRP Compliance <udrp@rightside.co>

Thu, Jan 5, 2017 at 2:25 PM

To: Domain.Disputes@wipo.int, info@mapasl.com, matt@bostonlawgroup.com, vgvurvits@bostonlawgroup.com

Cc: udrp@enom.com, legal@enom.com, richard@namecheap.com, Legal@namecheap.com, udrp@namecheap.com

Hello,

Per UDRP policy, we acknowledge receipt of notification of the pending litigation regarding the domain names.

The notification has been submitted within the 10-day window for appeal so the decision to transfer the domains will not be carried out until this matter is resolved. The domains will remain locked and in an administrative freeze to prevent any changes.

Regards,

UDRP Compliance

eNom.com / Bulkregister.com

www.enom.com

udrp@enom.com

From: Domain.Disputes@wipo.int [mailto:Domain.Disputes@wipo.int]

Sent: Tuesday, December 20, 2016 8:55 AM

To: info@mapasl.com; matt@bostonlawgroup.com; vgvurvits@bostonlawgroup.com

Cc: udrp@enom.com; legal@enom.com; richard@namecheap.com; Legal@namecheap.com; udrp@namecheap.com

Subject: (HY) D2016-1981 <online-volcano.com> et al. Notification of Decision

**WIPO Arbitration and
Mediation Center**



December 20, 2016

Re: Case No. D2016-1981

<online-volcano.com>

<volcanozal.com>

<volcan24.com>

<vulcan-club-online.com>

<vulcan-club-online.top>

<vulcan-online-club.com>

<volcano7.com>

<wulkancasino.com>

<1volcano.com>

<2volcano.com>

<3volcano.com>

<5volcano.com>

<7volcano.com>

Notification of Decision

Dear Parties,

Please find attached the full text of the decision issued on December 15, 2016 by the Administrative Panel in the above-referenced case.

The Administrative Panel's finding is as follows:

"For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain names:

<online-volcano.com>

<volcanoza.com>

<volcan24.com>

<vulcan-club-online.com>

<vulcan-club-online.top>

<vulcan-online-club.com>

<volcano7.com>

<wulkancasino.com>

<1volcano.com>

<2volcano.com>

<3volcano.com>

<5volcano.com>

<7volcano.com>

be transferred to the Complainant."

Pursuant to Paragraph 4(k) of the Uniform Domain Name Dispute Resolution Policy, the concerned Registrars eNom, Inc. and NameCheap, Inc. shall proceed to implement the above decision on the tenth business day (as observed in the location of that Registrar's principal office) after receiving this notification. The concerned Registrar will not implement the decision if, before the 10-day waiting period has expired, the Respondent submits official documentation (such as a copy of a complaint, file stamped by the clerk of the court) to the Registrar demonstrating that it has commenced a legal proceeding against the Complainant in a jurisdiction to which the Complainant has submitted under Paragraph 3(b)(xii) of the Rules for Uniform Domain Name Dispute Resolution Policy (the Rules).

Pursuant to Rules, Paragraph 16(a), the Registrar is directed to inform the Complainant, the Respondent, the Internet Corporation for Assigned Names and Numbers (ICANN) and the WIPO Arbitration and Mediation Center as soon as possible of the specific date on which the Administrative Panel's decision will be implemented, absent a notification by the Respondent in accordance with the above.

A signed version of the Decision shall be forwarded to the parties in due course.

Sincerely,

Yeppe Hoogma
Case Manager

34, chemin des Colombettes, 1211 Geneva 20, Switzerland

T +41 22 338 82 47 F +41 22 740 37 00 E domain.disputes@wipo.int W www.wipo.int/amc

Exhibit 4

ΠΡΩΤΟΔΙΚΕΙΟ ΗΝΩΜΕΝΩΝ ΠΟΛΙΤΕΙΩΝ ΤΗΣ ΑΜΕΡΙΚΗΣ

)
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)
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)
)
) Πολιτική αγωγή αρ. 17-cv-00002-RAJ
)
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)
)
)

Υπογραφή Γραμματέα ή Αναπληρωτή Γραμματέα του Δικαστηρίου

Υ π ό θ ε σ η 2:17-cv-00002-RAJ Έ γ γ ρ α φ ο 7 Κ α τ α τ ε θ ε ι μ έ ν ο
01/04/17 Σ ε λ ί δ α 2 α π ό 2

ΑΟ 440 (Rev. 06/12) Κλήτευση σε Πολιτική Αγωγή (Σελίδα 2)

Πολιτική Αγωγή αρ.

ΑΠΟΔΕΙΚΤΙΚΟ ΕΠΙΛΟΣΗΣ

**(Η παρούσα ενότητα δεν πρέπει να κατατεθεί στο δικαστήριο εκτός αν απαιτείται από τους
Ομοσπονδιακούς Κανόνες Πολιτικής Αγωγής 4 (I))**

Η παρούσα κλήτευση για (όνομα και τίτλος ατόμου, αν υπάρχει) _____
παραλήφθηκε από μένα στις (ημερομηνία) _____.

☐ Επέδωσα αυτοπροσώπως την κλήτευση στο άτομο παρόν στο (τοποθεσία) _____
στις (ημερομηνία) _____, ή

☐ Άφησα την κλήτευση στην κατοικία ή συνήθη τόπο παραμονής του ατόμου στην κατοικία ή τον συνήθη
τόπο παραμονής του ατόμου με (όνομα) _____,
_____, άτομο κατάλληλης ηλικίας και εχεμύθειας που κατοικεί εκεί,
στις (ημερομηνία) _____, και ταχυδρόμησα ένα αντίγραφο στην τελευταία γνωστή
διεύθυνση του ατόμου, ή

☐ Επέδωσα την κλήτευση στον (όνομα ατόμου) _____, που είναι
διορισμένο από τον νόμο ως παραλήπτης επιδόσεων εκ μέρους του (όνομα οργανισμού) _____
στις (ημερομηνία) _____, ή

☐ Επέστρεψα την κλήτευση ανεπίδοτη λόγω _____, ή

☐ Άλλο (προσδιορίστε):

Η χρέωσή μου είναι \$ _____ για μεταφορικά και \$ _____ για υπηρεσίες, σύνολο \$ 0.00

Δηλώνω επί ποινή ψευδορκίας ότι τα ως άνω στοιχεία είναι αληθή.

Ημερομηνία: _____

Υπογραφή κλητήρα

Όνομα και τίτλος γραμμένα ευκρινώς

Διεύθυνση κλητήρα

Επιπλέον πληροφορίες για την απόπειρα επίδοσης, κ.λπ.



t. 617.731.3510
f. 617.731.3700
service@languageconnections.com

2001 beacon street
boston, ma 02135
www.LanguageConnections.com

STATE OF: *Massachusetts*

COUNTY OF: *Suffolk*

CERTIFICATE OF ACCURACY

William Colón, on behalf of Language Connections, certifies:

1. That our translator(s) are familiar with both the **English** and the **Greek** languages.
2. That we have made the attached translation of the below mentioned original document(s) from **English** into **Greek** and hereby certify that the same is a true and complete translation to the best of our translator(s) knowledge, ability and belief.
3. Document names:
 - **Summons in Civil Action to Ritzio Purchas Limited, dated 01/04/2016**
 - **Complaint for Declaratory Judgment and Injunctive Relief, Mandzela Zhocelin-Patrick v. Ritzio Purchas Limited, dated 01/03/2017**

Signature:

On this 15 March 2017, before me, the undersigned notary public, personally appeared William Colón, proved to me through satisfactory evidence of identification, which were driver's license, to be the person whose name is signed on the preceding or attached document in my presence.

Notary Public

My commission expires:

Dec 2020

